

BOARD OF APPEALS CASE NO. 4959

BEFORE THE

APPLICANT: John Sage

ZONING HEARING EXAMINER

REQUEST: Variances to construct an addition and deck within the required setbacks; 1807 Glen Cove Road, Darlington

OF HARFORD COUNTY

Hearing Advertised

Aegis: 8/11/99 & 8/18/99

Record: 8/13/99 & 8/20/99

HEARING DATE: October 6, 1999

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ZONING HEARING EXAMINER'S DECISION

The Applicant, John Sage, appeared before the Hearing Examiner requesting a variance to Section 267-34(C), Table II, of the Harford County Code, to construct a family room addition within the required 20 foot side yard setback, and a variance to Section 267-34(C), Table II, and Section 267-23(C)(1)(a)(6) for a deck within the required 15 foot side yard setback.

The subject parcel is located at 1807 Glen Cove Road in the Fifth Election District. The parcel is identified as Parcel No. 415, in Grid 2-E, on Tax Map 19. The parcel contains .76 acres, more or less, all of which is zoned Agricultural.

Mr. John Sage appeared and testified that the property is currently improved by a single-family dwelling, with a rear deck and attached two-car garage with a sun room and addition on the north side of the attached garage. The witness said that there are also 3 storage sheds on the property. The Applicant said the parcel is unique because there was not sufficient room to construct a garage and sun room on the south side of the dwelling and that the property is encumbered by the location of the well and septic reserve area. The Applicant also said that the lot is narrow in that it is only 100 feet in width and that denial of the variance will cause a hardship because the garage and sun room are necessary because of persistent water run-off and ice which affects the dwelling.

The Applicant said he did not feel approval of the requested variances will be substantially detrimental to adjacent properties or materially impair the purpose of the Code because none of his neighbors appeared in opposition to the request.

Case No. 4959 - John Sage

The Staff Report of the Department of Planning & Zoning did not make a recommendation but suggests conditions if the variance is approved.

CONCLUSION:

The Applicant is requesting a variance to Section 267-34(C), Table II, of Harford County Code for a sun room. Section 267-34(C), Table II, requires a 20 foot side yard setback and the Applicant is proposing a 13 foot setback. The Applicant is also requesting a variance to Section 267-34(C), Table II, and Section 267-23(C)(1)(a)(6) for a deck. Those Sections require a 15 foot side yard setback and the Applicant is proposing a 13 foot side yard setback.

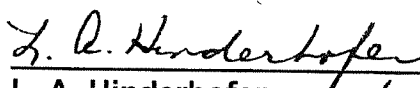
The uncontradicted testimony of the Applicant was that the parcel is unique due to its width of 100 feet compared to its length of 300 feet, and that the property is encumbered by the well location and septic reserve area. The Applicant also said that the south side of the dwelling was not suitable for the addition because variances would also be necessary on that side. The Applicant said that denial of the variance will cause a hardship because water and ice accumulate in the area where the garage and sun room are located .

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant in his testimony and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the setback for the sun room and deck be reduced to 13 feet. The variances shall be subject to the following conditions:

1. That the Applicant obtain all necessary permits for the existing sheds, sun room, garage and deck.
2. That no additional construction or modification shall take place on the premises prior to obtaining necessary permits.

Date NOVEMBER 8, 1999



L. A. Hinderhofer ds
Zoning Hearing Examiner